

# "WITNESS" OF ALLEGED WILL OF QUEEN CONFESES THAT IT IS ALL A CONSPIRACY

Kamakia. Following a "Divine Revelation," Repudiates All Previous Statements Concerning Queen's Signature and Says He Signed As Witness On Request of "Princess" Theresa—Attorneys Andrews, Pittman and Lymer Withdraw From Case and John F. Colburn Files Withdrawal of Application For Probate; "Princess" Still Insists That Will Is Genuine

"Rev." Sam Kamakia, whose name appears upon the alleged will of the late Queen Liliuokalani, of August 29, 1917, as a witness to the Queen's signature, yesterday confessed to Attorneys Lorrin Andrews and W. B. Lymer that he did not witness the alleged signature, but that he had signed the will at his own home at the request of Mrs. Theresa Wilcox Belliveau, popularly known as "Princess Theresa," who brought the document to him.

Immediately following upon this confession, the law firm of Andrews and Pittman and Attorney W. B. Lymer, who were representing John F. Colburn, named in the alleged will as executor, prepared affidavits setting forth the facts and filed these, in the name of Mr. Colburn, withdrawing the application for probate of the instrument.

## PRINCESS IS MAD

This action was followed last night by an indignant outburst from "Princess Theresa," who announced that, as devisee, she herself would present the alleged will for probate. She expressed her astonishment at the confession of Kamakia and stated that his confession was false and that he did, as at first reported, witness the signing of the will.

Messrs. Andrews, Pittman and Lymer, in the affidavits filed, make it plain that they entered the suit in good faith and only after closely examining the alleged witnesses and others supposed to have a direct knowledge of the signing of the alleged will and the circumstances surrounding the execution of the document by the Queen. As soon as an intimation was heard that Kamakia was weakening on his original statements, he was sent for and cross-examined, finally acknowledging that everything he had said at first stage was false.

## QUICK REPUDIATION

This acknowledgement was made before Messrs. Andrews and Lymer yesterday morning, whereupon work was immediately begun upon the preparation of affidavits and the withdrawal of application for probate, the attorneys and Mr. Colburn washing their hands of the whole matter.

"We went into this matter in absolute good faith," said Judge Lymer yesterday afternoon, after he had filed the various documents prepared, "and we are getting out of it and so is Mr. Colburn. We had no grounds upon which to base a justifiable doubt of the validity of the will, and, if the will were genuine, we were obliged to regard it as the expressed desires of the Queen and a sacred trust, irrespective of whom might be named in the will as the beneficiaries.

## Will Help Prosecute

"As soon as this matter of withdrawal of probate is cleaned up I intend personally to interest myself in prosecuting those apparently in a gigantic conspiracy.

"It is possible, of course, that when Mr. Colburn's withdrawal from the case is permitted by the courts some one of those named in the alleged will, as a devisee, will make independent application for probate. At any rate, something will have to be done with the document. It is unlikely that the court will simply allow it to be withdrawn, because years from now it might again be presented for probate."

## Affidavits Explained

The affidavits filed were entered for record by special permission of Judge Ashford, with whom Judge Lymer equaled and to whom he explained the nature of the new developments in the sensational case. These affidavits set forth in detail the circumstances under which the attorneys came into the case. The original statements made by Kamakia, as transcribed from the stenographer's notes, are given.

In the affidavit filed by Mr. Colburn it is stated that Kamakia had explained to him that he had had a divine warning of what fate is in store for perjurers and accordingly had been inspired to make a clean breast of his share in what he states is a conspiracy.

Undoubtedly the whole business will now be brought before the grand jury.

"Princess" Will Go Ahead

When told by The Advertiser of these latest developments, at six o'clock last evening, "Princess" Theresa flared with indignation, exclaiming excitedly: "What yarn is this; you must be crazy."

She had not heard of the sudden turn of events, and was momentarily at a loss for words. Then suddenly she continued: "It's some scheme of the other side; it's all lies. The will is genuine; I know it is."

"Someone must be getting at Kamakia," added "Princess" Theresa in a voice that shook with agitation. "He doesn't speak very good English and if he says he didn't sign the will in the Queen's presence, he doesn't know what he's doing. I only left him at half past five this afternoon, and he didn't say a word to me about the will."

"The will was never taken to Kamakia's house to sign," continued the "Princess" after another brief silence. "He signed it in the Queen's

# AFFIDAVITS SHED SOME LIGHT ON QUEEN'S ALLEGED WILL FAVORING "PRINCESS" THERESA

Affidavits filed by the attorneys for John F. Colburn, in his withdrawal of application for probate of the alleged will of Queen Liliuokalani, and by Mr. Colburn himself, form interesting reading. They detail the efforts made by Mr. Colburn and his legal advisers to probe the circumstances of the signing of the alleged will before taking any action under it and show the good faith in which the initial steps to secure probate were made.

The main affidavit filed yesterday was that of Lorrin Andrews, who drew up the will for signature under the directions of "Princess" Theresa and into whose custody the document was given after the alleged signing by the Queen in the presence of witnesses. Mr. Andrews' affidavit is:

## Affidavit of Lorrin Andrews

"Lorrin Andrews, being first duly sworn, deposes and says that he is a member of the firm of Andrews & Pittman and is one of the attorneys for John F. Colburn in the above-entitled proceeding; that early in the month of September, 1917, there was placed in the possession of deponent a document purporting to be the last will and testament of Her Majesty, Queen Liliuokalani, with the request that he keep the same until further notice, and deponent was informed that said request came direct from Her Majesty, the Queen;

"That deponent thereupon kept said document in a safe deposit vault with other wills and papers confided to his care, and paid no further attention to the same until on or about the 9th day of November, 1917, when deponent was informed in the public prints of the serious illness of Her Majesty and of the probable fatal result of said illness;

## Colburn Testified

"That under said will, deponent knew that John F. Colburn was named as executor; that deponent had not before this time communicated this fact to said John F. Colburn or had any communication with him concerning said will; but, in view of the serious condition of the Queen's health, he deemed it best to notify the said Colburn of the fact that he had in his possession a written document purporting to be her last will and testament, naming him, the said Colburn, as executor; that deponent thereupon requested the said Colburn to call at his (deponent's) office and deponent stated to the said Colburn that he (deponent) was not familiar with the signature of the Queen and would submit to him, the said Colburn, the said will for the purpose of his verifying said signature; it being well known that the said Colburn was well acquainted with Her Majesty, having served in her cabinet and having been an intimate friend;

"That said Colburn, upon seeing the said will, expressed at first his doubt of said signature, but requested leave to compare the same with a number of signatures of Her Majesty he had in his possession and, in other ways, to verify the same before deciding what he wished to do; that on the 10th day of November, said Colburn again called at the office of the deponent and informed deponent that, in his opinion, from a comparison of the signatures and other information, the said will had been signed by Her Majesty; that the said Colburn stated that he had not read said will, except the clause concerning himself as executor; but that he had compared the signatures on each page for the purpose of ascertaining whether, in his opinion, the same had been signed by Her Majesty;

"That thereafter, upon consultation between deponent and said Colburn, it was decided to associate William B. Lymer with the firm of deponent in filing said will for probate and, upon consultation with said Lymer, it was decided that before filing said will for probate, the two witnesses whose names were signed to said will, to-wit, J. M. Kealoa and Samuel K. Kamakia, should be interrogated separately and, if they testified to the validity of said will, then same should be presented for probate—otherwise not;

"That thereafter on the 13th day of November, 1917, the said Samuel K. Kamakia and J. M. Kealoa came to the office of deponent and were there examined, separately and apart in a private room in which were present said John F. Colburn, W. B. Pittman and a stenographer and, at times, William B. Lymer and deponent; that the witnesses were interrogated in the Hawaiian and English languages by said John F. Colburn, W. B. Pittman and William B. Lymer, and they made affidavits stating that on the 29th day of August, 1917, they had executed in the presence of Her Majesty a paper which she declared to be her last will and testament and that they had executed the same in their presence; that at the conclusion of their statements, which were taken down in shorthand, affidavits were drawn embodying the same and, on the 14th day of November, 1917, at the said office of deponent, the same were carefully read to each witness, separately and apart, and were signed and sworn to before a notary public, a copy of the affidavits sworn to by said Samuel K. Kamakia being hereunto attached and made a part hereof;

## Affidavits Put Away

"That said affidavits were then taken by deponent and deposited for safe keeping and were not seen by anyone except the stenographer of your deponent; that no one else was made acquainted with the contents of either of said affidavits, except the parties hearing the same when taken;

"That thereafter and on or about the 12th day of December, 1917, deponent received information that Samuel K. Kamakia had made certain depositions for large sums of money under circumstances leading to the belief that his testimony might depend upon the successful negotiating of said sums of money; that deponent immediately consulted with William B. Lymer and John F. Colburn and it was decided to

call before them, in the presence of an impartial Hawaiian interpreter, both witnesses to the will and again read to them the affidavits and obtain a statement from them as to whether these were the true facts in connection with said will;

"That in accordance therewith, on the morning of the 15th day of December, 1917, the said J. M. Kealoa and Samuel K. Kamakia appeared at the office of deponent and there met John F. Colburn, William B. Lymer, deponent and William J. Coelho, who had been requested by deponent to come to his office and act in the matter of translation and interpretation—the said Coelho not knowing in what matter he was called; that the said J. M. Kealoa, upon having his affidavit read to him, announced that the same was true; that he had executed the same and that he had made the statements therein contained;

"That the said Samuel K. Kamakia, however, upon the conclusion of the reading of his affidavit in Hawaiian by the said Coelho, stated that he had made said statements as they appeared in said affidavit, but that the said statements were false as to his signing the same before the Queen and that the said will signed by him was signed at his home, having been brought to him by Mrs. Belliveau and that, at that time, the purported signatures of the Queen were upon said document;

"That when the said Kamakia was questioned as to his demand for money made previously to this, he stated that it was true and that he had asked for sums of money, but that now his necessities had been relieved from other sources and that he had received the sum of \$500.00 from a foreigner for the purchase of some of his land; but he declined to give the name of said foreigner;

"That the said Kamakia stated that he had received a visitation from God in the shape of a dream that he must retract his former testimony, and he therefore felt it was right he should do so;

"LORRIN ANDREWS."

The statement made by Kamakia originally, which he now states is a case of falsehood, shows that he apparently was most carefully drilled in the part he was to play. He made the statement before the attorneys, under cross-examination by Judge Lymer, and in such a way that he completely deceived the lawyers and convinced Mr. Colburn that he could be telling nothing but the truth.

Yesterday he admitted that he had said everything contained in the affidavit, but blandly informed the attorneys that none of it was true. He acknowledged that he had been associated with the Queen during the investigation of said Samuel K. Kamakia, on said 13th day of November, 1917, for the purpose of taking the statement of Samuel K. Kamakia, one of the purported subscribing witnesses to the Last Will and Testament of her late Majesty, Queen Liliuokalani;

"That at that time the said will had not been presented for probate, but the subscribing witnesses thereto had been called in for the purpose of determining all of the facts concerning the execution of the said will before the same should be filed with the court;

"And deponent says that the facts as stated in the affidavit of Lorrin Andrews, filed simultaneously herewith, reciting the occurrences in said affidavits during the investigation of said Samuel K. Kamakia, on said 13th day of November, are true in every particular;

"Had a Good Story

"That said witness related in great detail and with precision and seeming sincerity, many corroborating facts tending to prove the truth of his statements, and deponent studied his demeanor very carefully and questioned him closely and exhaustively and became convinced, as a result of the interrogation of said witness, as well as that of James K. Kealoa, that the signature of her late Majesty had been by her signed to said will in the presence of the said Samuel K. Kamakia;

"Affiant states that the examination of said Kamakia was separate and apart from all others, except counsel, Mr. Colburn and a stenographer; that the witness was carefully cautioned to tell the entire truth without fear or favor, the importance of his statements being carefully explained to him;

"Affiant further states that he was informed by Lorrin Andrews of certain rumors regarding demands for money being made by the said Kamakia, whereupon, after conference between the said Lorrin Andrews, John F. Colburn and deponent, it was decided to send immediately for the two alleged subscribing witnesses to said will for the purpose of questioning them very carefully in the presence of a disinterested and competent Hawaiian interpreter; and deponent states that all of the statements contained in the said affidavit of the said Lorrin Andrews regarding the interview held on the 15th day of December, 1917, with the said Kamakia and said Kealoa are true of this deponent's own knowledge, he being at all times present throughout said interview;

"And further this affiant saith not, other than that this affidavit is filed in support of the motion to withdraw said will heretofore filed.

"WILLIAM B. LYMER."

In his affidavit, Mr. Colburn relates some of the circumstances connected with his notification of executorship and the care he exercised to check up the statements made.

Kamakia's confession yesterday, says Mr. Colburn, came about as the result of a dream, in which the Almightly counseled the purported witness of the Queen's signature. An unnamed "foreigner" also bobs into the tale, says Mr. Colburn.

Affidavit of John F. Colburn

"John F. Colburn, being first duly sworn, deposes and says: That he has read the affidavits of Lorrin Andrews and William B. Lymer, and that the same are true;

"That deponent personally examined the said Samuel K. Kamakia and J. M. Kealoa at the offices of Andrews & Pittman, on the 15th day of November, 1917, and with the said William B. Lymer, and explained to them the importance of their testimony and the great necessity of their stating the exact truth, stating to them that upon their testimony would depend the question as to whether the alleged will of Her Majesty, Queen Liliuokalani, would be filed for probate or not, and that both deponent and his attorneys relied entirely upon their truthfulness in this matter;

"That these statements having been made to each witness, separate and

"After she had completed signing the document Theresa then took the document from her with the pen and handed it to Mr. Kealoa while I put the book upon his lap. He signed the document first and when he had gotten through Theresa then reached for the document and handed it to me and I put the book on my lap and the document on it and signed myself.

"I do not remember who filled in the date of the signing.

"The Queen stated to us all, 'This is my will and I want you to sign with me as witnesses.'

## Saw News in Papers

"I don't know what the contents of the will have never seen it or read it. Did not know that you (Colburn) were even appointed as executor until I read it in the paper a day or two ago.

"She did make a remark to the effect that 'I am signing a will that will give to Konoa (son of Theresa) something of my estate because Wilcox was related to her by blood.'

"The Queen was apparently in good health upon that day as she was sitting in the chair and she had a Japanese robe on.

"From my observation of her, my observation was that her mental condition was such that she knew what she was doing.

"After my signature, a few minutes later, Kealoa then left and a few minutes after him I left. I don't think I was there half an hour before we had both gone.

"The Queen then said to me, 'I am so glad to see you' and conveyed to my mind the fact that she still remembered that I had been the husband of a cousin of hers by marriage.

"In leaving I saw that the document that we had signed, which was the Queen's will was in the hand of Theresa.

"SAMUEL K. KAMAKIA."

Concerning the taking of this statement and the certification to it under oath, Judge Lymer says in his affidavit filed yesterday:

## Affidavit of William B. Lymer

"William B. Lymer, being first duly sworn, deposes and says that he is one of the attorneys for John F. Colburn, the petitioner in the above-entitled proceedings; that he was present at the office of Lorrin Andrews, Esquire, shortly after becoming associated in said matter, on the 13th day of November, 1917, for the purpose of taking the statement of Samuel K. Kamakia, one of the purported subscribing witnesses to the Last Will and Testament of her late Majesty, Queen Liliuokalani;

"That at that time the said will had not been presented for probate, but the subscribing witnesses thereto had been called in for the purpose of determining all of the facts concerning the execution of the said will before the same should be filed with the court;

"And deponent says that the facts as stated in the affidavit of Lorrin Andrews, filed simultaneously herewith, reciting the occurrences in said affidavits during the investigation of said Samuel K. Kamakia, on said 13th day of November, are true in every particular;

## Had a Good Story

"That said witness related in great detail and with precision and seeming sincerity, many corroborating facts tending to prove the truth of his statements, and deponent studied his demeanor very carefully and questioned him closely and exhaustively and became convinced, as a result of the interrogation of said witness, as well as that of James K. Kealoa, that the signature of her late Majesty had been by her signed to said will in the presence of the said Samuel K. Kamakia;

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# American Soldiers Died Bravely In Cambrai Battle

All Engineers Helped Repulse the Foe, Says Official Statement; Warm Praise By France For Coolness, Discipline, Courage

WASHINGTON, December 3.—High tribute to the gallant conduct of the American army engineers in France, who were caught in the German encircling attack on the British lines near Cambrai, is paid in an official communication from the French government, received here tonight by cable. The communication follows:

"We must remark upon the conduct of certain American soldiers, pioneers and workmen on the military railroad in the sector of the Gognies attack west of Cambrai on November 30. They exchanged their picks and shovels for rifles and cartridges and fought with the English.

"Many died thus bravely, arms in hand, before the invader. All helped to repulse the enemy.

"There is not a single person who saw them at work who does not render warm praise to the coolness, discipline and courage of these improvised combatants."

MAN SAID HE DIDN'T KNOW WAR WAS ON

SAN FRANCISCO, December 2.—United States Commissioner Francis Krull yesterday found a man who admitted that he knew nothing of the war until a few weeks ago, John Vier ra of San Jose, arrested for failing to register for the selective draft, gave as his excuse for his negligence that he did not know anything about the war and that he had heard something about registering, but did not know anything definite. He said he was in Mendocino county when the registration was taking place. He promised to register and go to war if necessary, and was allowed his freedom.

TEACHERS' SALARIES MORE THAN MILLION

Salaries totalling \$1,094,688 will be paid to school teachers of the Territory in 1918, according to an estimate of the department of public instruction filed with the territorial treasurer. The estimate is based on a schedule prepared for the 1918 legislature at the rate of \$73.50 a month plus \$60 a month for every thirty-five pupils over 30,000. Prior to 1917 the estimate was based on \$45,000 a month plus \$50 a month for every thirty-five pupils registered after June 30, 1917.

For 1917 there was raised by direct taxation \$640,598.66 and to this was added \$100,000 as school tax on all males between twenty-one and sixty years. It is stated that in the next year all money needed will not be raised by direct taxation, but a portion by the school tax of \$2 each on males.

apart from the other, both witnesses assented thereto and stated that they would tell the exact truth; that deponent, being acquainted with the Hawaiian language, spoke to each witness in that language and translated their answers to the attorneys present, and their statements were also taken in the English language;

"That on the 13th day of November, 1917, after their statements had been transcribed by the stenographer, the said statements were translated to the said Kamakia and Kealoa in the Hawaiian language, at the offices of the said Andrews & Pittman, and they were each, separately and apart, interrogated as to whether it was true before they signed; that both of said witnesses are conversant with the English language and can read the same, and they read the affidavits themselves in the English language after same had been translated to them in the Hawaiian language by deponent;

"Who Is the 'Foreigner'?"

"That on the 12th day of December, 1917, deponent was notified by said Lorrin Andrews of the demands of said Kamakia upon certain parties for money in connection with this testimony, and was present on the 15th day of December at the offices of the said Andrews when the statements of said witnesses were read to them by William J. Coelho in the Hawaiian language and they were interrogated concerning them; that deponent in the Hawaiian language asked the said Kamakia whether it was true that he had demanded money in connection with his testimony in said case and had gone to Kealoa on the 14th of December and had received nine hundred dollars (\$900.00) from him; and that the said Kamakia admitted that he had made demands for money and had received the sum of \$900.00 from a foreigner;

"That the said Kamakia said he wished to repudiate the statement he had made under oath on the 14th day of November, because he had received a visitation from God in the shape of a dream, which warned him of punishment if he did not do so;

"That deponent further states that he would not have filed said will for probate on the 19th day of November, 1917, had it not been for the statements of said witnesses that they had signed said will in the presence of the Queen and that she had signed her name in their presence, after acknowledging the same to be her last will and testament, to which testimony was added a number of corroborative facts from other witnesses.

"JOHN F. COLBURN."

# DOCTOR INDICTED AND ARRAIGNED ON SERIOUS CHARGES

H. Homer Hayes Involved In Nasty Scandal Through Grand Jury Indictment

PLEA IS RESERVED TILL TUESDAY AND BAIL FIXED

Name of Man in Case Not Mentioned In Indictment, But Street Rumors Are Common

Indicted by the grand jury upon a charge of having performed a criminal operation, Dr. H. Homer Hayes, a local physician whose office is on South King Street, was arraigned before Circuit Judge Keen yesterday morning. His plea was reserved until next Tuesday morning, and his bail fixed at \$2500, must be secured at that time. Meanwhile he is released upon his own recognizance.

Not Taken to Station

Doctor Hayes is charged in the indictment which was returned against him on Friday afternoon with having by the use of poisonous drugs and instruments having produced a criminal abortion upon a woman. The indictment was signed by E. P. Fogarty, as foreman of the grand jury. Upon the return of the indictment a warrant was issued, which was not served until yesterday morning. Doctor Hayes was not then taken to headquarters and booked, though his name was entered on the police records, but was ordered to be in court at nine o'clock. He was there, represented by Leon H. Strauss as attorney.

The indictment charges the specific offense mentioned, and names the woman upon whom the offense was committed but does not give the name of the man who was responsible for the woman's condition, nor does it say whether the operation was instigated or procured through him. While the man is thus unnamed, it was common street talk yesterday that he is a high city official whose office should carry dignity and grave responsibilities.

Rumor Names Official

It is alleged that after the operation had been performed and the condition of the woman's health became serious she was taken to a local hospital and there other physicians were called into the case. None of these are in any way implicated in the case otherwise than as witnesses as to her condition when they were called in and their expert opinions on what caused the illness for which she was treated in the hospital and from which she recovered. Some of them are said to have already testified before the grand jury.

Deputy Attorney General C. S. Franklin is said to have presented this case to the grand jury and, if the case goes to trial, it is said that he will continue in the case and conduct the prosecution instead of any member of the city attorney's office.

Public Wants Prosecution

News of the indictment and arraignment of Doctor Hayes circulated quickly through the downtown sections yesterday morning and was the subject of general comment, the demand being commonly voiced that prosecution should not stop with the physician but that the man who is said to be responsible for the woman's condition should also be prosecuted. Blame was attached to him in such public comment as freely as to the physician who is charged with having endangered the life of a prospective mother and prevented the birth of the child.

HATHAWAY IS SOUTHERNER

Howard Hathaway, the newly appointed collector of internal revenue for Hawaii, is a Southerner, by birth, but lately a resident of Everett, Washington, and is a lawyer by profession.

This is the information which Collector of Customs M. A. Franklin has collected in regard to the new addition to the federal official family.

POLES SAIL FOR FRANCE

RIO DE JANEIRO, December 10.—(Associated Press)—A number of Poles resident here sailed for France early in October to volunteer for service with the Allies. Another contingent will soon leave from Rio de Janeiro.

"Blue" Spells Mean Bad Kidneys?

"Blue," worried, half-sick people should find out the cause of their troubles. Often it is merely faulty kidney action, which allows the blood to get loaded up with poisons that irritate the nerves. Backache, headaches, dizziness and annoying bladder troubles are added proofs that the kidneys need help. Use Don's Backache Kidney Pills. Thousands thank them for relief from just such troubles.

When Your Back Is Lame—Remember the Name.—Don't simply ask for a kidney remedy—ask distinctly for Don's Backache Kidney Pills and take no other. Don's Backache Kidney Pills are sold by all druggists and keepers, or will be mailed on receipt of price by the Hollister Drug Co., or Benson-Smith & Co., agents for the Hawaiian Islands. (Advertisement)

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